IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7784 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI GOBARBHAI BALDHA

Versus

JAMKANDORANA GRAM PANCHAYAT

Appearance:

MS SUDHA R GANGWAR for Petitioners

MR YOGESH S LAKHANI for Respondent No.1,2,3,6&7

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/04/2001

ORAL JUDGEMENT

1. Rule returnable today. Mr. Yogesh Lakhani waives service of rule on behalf of respondent nos.1, 2, 3, 6 and 7.

2. On a joint request of learned counsel for the parties the matter is taken up for final hearing today.

3. This is a petition filed by 15 petitioners, who challenge the right and the action of the respondent Gram Panchayat to take action for eviction and/or demolition of the cabins occupied by the petitioners without authority of law.

4. Some of such cabins have allegedly already been demolished. Therefore, in respect of such cabins which have already been demolished, if any, the petition has become infructuous. However, so far as prospective action is concerned, the apprehension of the petitioners can be satisfied by passing the following order:

> "The concerned respondents shall not take law into their own hands, but are free to take such action as may be permissible in law, including taking resort to the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, after following the prescribed procedure."

5. In view of the aforesaid direction, learned counsel for the petitioners does not press for any further relief. This petition is accordingly disposed of. Rule is partly made absolute with no order as to costs.

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